APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,464	12/13/2000	Thorsten Laux	P-4589	9684

7590 06/10/2005	EXAMINER
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ART UNIT	PAPER NUMBER
2194	

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/738,464	LAUX, THORSTEN
	Examiner	Art Unit	
	Li B. Zhen	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>31 January 2005</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-17 are pending in the current application.

Response to Arguments

2.   Applicant's arguments with respect to the claims have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

4.   Claims 1 – 5 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter.

5.   Claims 1 – 5 are directed to method steps, which can be practiced mentally in

conjunction with pen and paper, therefore they are directed to non-statutory subject

matter. Specifically, as claimed, it is uncertain what performs each of the claimed

method steps. Moreover, each of the claimed steps, inter alia, using, receiving,

accessing and obtaining, can be practiced mentally in conjunctions with pen and paper.

The claimed steps do not define a machine or computer implemented process [see

MPEP 2106]. Therefore, the claimed invention is directed to non-statutory subject

matter. (The examiner suggests applicant to change "method" to "computer

implemented method" in the preamble to overcome the outstanding 35 U.S.C. 101

rejection).

6.   Claims 6 – 10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 6 – 10 are not limited to tangible embodiments. In view of Applicant's disclosure, specification page 14, lines 6 – 13, the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., CD-ROM discs, ROM cards, floppy discs, magnetic tapes, computer hard drives) and intangible embodiments (e.g., signals transmitted over a network representing computer readable program code). As such, the claim is not limited to statutory subject matter and is therefore non-statutory. To overcome this type of 101 rejection the claims need to be amended to include only the physical computer media and not a transmission media or other intangible or non-functional media.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8.   **Claims 1 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,903,890 to Shoji et al. [hereinafter referred to as Shoji] in view of U.S. Patent No. 6,523,028 to DiDomizio et al. [hereinafter referred to as DiDomizio].**

9.   As to claim 11, Shoji teaches the invention substantially as claimed including a

system comprising:

        a plurality of data sources [databases 704 – 706, Fig. 1; col. 4, lines 18 – 35];

        a driver for each data source in the plurality of data sources [drivers 712 – 714,

Fig. 1; col. 4, lines 47 – 64] thereby forming a plurality of drivers wherein each driver

has a substantially identical driver application programming interface [database system

.of the present invention comprises a plurality of database drivers which are

hierarchically equal. This structure is compatible with the digital cell technology. In this

embodiment, the database and interface drivers could be implemented as cells; col. 2,

lines 43 – 56]; and

        a merging driver coupled to each driver in the plurality of drivers through the

driver application programming interface [interface driver 720, Fig. 1; col. 5, lines 44 –

60], wherein the merging driver distributes queries to each driver in said plurality of

drivers so that the queries are directed to each of said plurality of data sources [user

can then click on one of the logic relationships shown in a window 778 to select a

search for the results of all the databases; col. 5, lines 45 – 60].

10.   Although Shoji teaches the invention substantially as claimed, Shoji does not

specifically teach distributing a single query to each driver in the plurality of drivers so

that single query is directed to each of the plurality of data sources.

        However, DiDomizio teaches a system for processing at least a first query to

retrieve data relevant to the first query from at least a first of a plurality of distributed or

target databases [col. 5, lines 49 – 67] wherein a single query is distributed to each

driver in the plurality of drivers [examiner notes that it is obvious that each database has

an associated driver so that applications can access the data stored in the database,

i.e. see col. 4, lines 47 – 64 of Shoji] so that single query is directed to each of the

plurality of data sources [step 128 of searching the database structure (e.g., LDAP

structure) to retrieve all attributes in the target databases that match the terms of the

enhanced query selected by the user; col. 9, line 57 – col. 10, line 23].

11.   It would have been obvious to a person of ordinary skill in the art at the time of

the invention to apply the teaching of distributing a single query to each driver in the

plurality of drivers so that single query is directed to each of the plurality of data sources

as taught by DiDomizio to the invention of Shoji because this aid users in accessing

data from distributed, structured databases, whereby users need not know the structure

or existence of relevant data sources currently available in the system and users need

not understand the schema of the databases, need not know SQL, and are not limited

to formatting queries using drop-down menus [col. 11, lines 37 - 52 of DiDomizio].

12.   As to claim 12, Shoji as modified teaches one data source in the plurality of data

sources is a merging data source [Database system 700 contains a plurality of single-

association databases, such as databases 704-706; col. 4, lines 18 – 35 of Shoji].

13.   As to claim 1, Shoji as modified teaches a method for enabling access of a

plurality of data sources by a single access operation wherein each data source in the

plurality of data sources requires a separate driver to access the data source so that

there is a plurality of separate drivers, the method comprising:

using an API for each driver in the plurality of separate drivers [drivers 712 – 714,

Fig. 1; col. 4, lines 47 – 64 of Shoji], wherein the API is substantially identical for each of

the drivers in the plurality of separate drivers [col. 2, lines 43 – 56 of Shoji]; and

receiving the single access operation by a merging driver wherein in response to

the single access operation [col. 5, lines 49 – 67 of DiDomizio], the merging driver

accesses each driver in the plurality of separate drivers through the API [drivers 712 –

714, Fig. 1; col. 4, lines 47 – 64 of Shoji]; and

accessing an associated data source in said plurality of data sources by said

each driver in response to said merging driver access though said API [step 128 of

searching the database structure (e.g., LDAP structure) to retrieve all attributes in the

target databases that match the terms of the enhanced query selected by the user; col.

9, line 57 – col. 10, line 23 of DiDomizio];

wherein said single access operation enabled access of said plurality of data

sources [user may select tables from the left-hand area 72 of the query generating

screen 70; col. 9, lines 23 – 57 of DiDomizio]; and

said single access operation is performed for each of said plurality of data

sources [searching the database structure to retrieve all attributes in the target

databases that match the terms of the enhanced query selected by the user; col. 9, line

57 – col. 10, line 23 of DiDomizio].

14.   As to claim 2, Shoji as modified teaches receiving from a user a selection of each

data source to be included in the plurality of data sources [user may select tables from

the left-hand area 72 of the query generating screen 70; col. 9, lines 23 – 57 of

DiDomizio].

15.   As to claim 3, Shoji as modified teaches a data source in the plurality of data

sources that is a merging data source [Database system 700 contains a plurality of

single-association databases, such as databases 704-706; col. 4, lines 18 – 35 of

Shoji].

16.   As to claim 4, Shoji as modified teaches obtaining an ordered result in response

to the single access operation [col. 11, lines 28 – 40 of Shoji].

17.   As to claim 5, Shoji as modified teaches accessing the merging driver through

the API [graphic display 740, Fig. 2A; col. 4, line 64 – col. 5, line 21 of Shoji].

18.   As to claims 6 – 10, these are product claims that correspond to method claims 1

– 5; note the rejections to claims 1 – 5 above, which also meet these product claims.

19.   As to claims 13 – 17, these are system claims that correspond to method claims

1 – 5; note the rejections to claims 1 – 5 above, which also meet these system claims.

As to the additional limitations, Shoji as modified teaches a processor [CPU 604, Fig. 8;

col. 15, lines 20 – 35 of Shoji] and a memory coupled to the processor [system memory

606, Fig. 8; col. 15, lines 20 – 35 of Shoji].

Conclusion

20.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Li B. Zhen whose telephone number is (571) 272-3768.

The examiner can normally be reached on Mon - Fri, 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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Examiner
Art Unit 2194

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